



C O R P O R A T I O N S E R V I C E C O M P A N Y™

CHS / ALL

Transmittal Number: 10203687
Date Processed: 08/09/2012

Notice of Service of Process

Primary Contact: Ms. Susan Small
Assurant Group
260 Interstate North Circle SE
Atlanta, GA 30339-2111

Entity:	American Bankers Insurance Company of Florida Entity ID Number 0470861
Entity Served:	American Bankers Insurance Company of Florida
Title of Action:	Kenneth R. Farmer vs. American Bankers Insurance Company of Florida
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court/Agency:	Sullivan County Chancery Court, Tennessee
Case/Reference No:	K0038390 (M)
Jurisdiction Served:	Florida
Date Served on CSC:	08/08/2012
Answer or Appearance Due:	30 Days
Originally Served On:	FL Chief Financial Officer on 08/06/2012
How Served:	Electronic SOP
Sender Information:	K. Jeff Luethke 423-246-5333

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA



12-104870

KENNETH R. FARMER AND
NORMA FARMER.

PLAINTIFF(S),

VS.

AMERICAN BANKERS INSURANCE
COMPANY OF FLORIDA

DEFENDANT(S).

SUMMONS, COMPLAINT

CASE #: K0038390 (M)
COURT: CHANCERY
COUNTY: STATE OF TENNESSEE
DFS-SOP#: 12-104870

NOTICE OF SERVICE OF PROCESS

NOTICE IS HEREBY GIVEN of acceptance of Service of Process by the Chief Financial Officer of the State of Florida. Said process was received in my office by MAIL on the 6th day of August, 2012 and a copy was forwarded by Electronic Delivery on the 8th day of August, 2012 to the designated agent for the named entity as shown below.

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA
LYNETTE COLEMAN (gbarber@scinfo.com)
CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

* Our office will only serve the initial process (Summons and Complaint) or Subpoena and is not responsible for transmittal of any subsequent filings, pleadings or documents unless otherwise ordered by the Court pursuant to Florida Rules of Civil Procedure, Rule #1.080.

Jeff Atwater
Chief Financial Officer

cc to: Plaintiff's Representative for filing in appropriate court

K. JEFF LUETHKE
155 SHELBY STREET
KINGSPORT TN 37660

SKT

STATE OF TENNESSEE
SUMMONS

KENNETH R. FARMER
and NORMA FARMER

VS.

AMERICAN BANKERS INSURANCE
COMPANY OF FLORIDA

Serve through Registered Agent:

Chief Financial Officer, P. O. Box 6200
TO THE ABOVE NAMED DEFENDANT(S): Tallahassee, FL 32399

You are hereby summoned and required to serve upon K. Jeff Luethke Plaintiff's attorney, whose address is 155 Shelby Street, Kingsport, TN 37660 an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Filed, tested, and issued this 1st day of August

2012 @ 2:12

SARAH HOUSEWRIGHT
Clerk & Master

By Stephanie K. Wanner
Deputy Clerk & Master

a.m. p.m.
AM 11:00
P.M. 1:00
SERVICE

Received this _____ day of _____,

Deputy Sheriff

RETURN

I, certify and return that I:

Served this summons together with the complaint as follows:

Failed to serve this summons within ninety (90) days after its issuance because:

Date _____

Deputy Sheriff

ACCEPTANCE OF SERVICE

I, hereby accept service of process in this case as fully and in all respects, as though I had been personally served by a Deputy Sheriff of Sullivan County, and I acknowledge that I received a copy of the summons and complaint in this case.

This the _____ day of _____,

Witness

Defendant

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed, these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

IN THE CHANCERY COURT FOR SULLIVAN COUNTY
AT KINGSPORT, TENNESSEE

KENNETH R. FARMER)
and NORMA FARMER,)
Plaintiffs,)
vs.) Civil Action No. KOD 38390 (M)
AMERICAN BANKERS INSURANCE) JURY DEMANDED
COMPANY OF FLORIDA,)
Defendant.)

COMPLAINT

Come the Plaintiffs and for cause of action against the Defendant would show unto the Court the following:

1. That Plaintiffs, Kenneth R. Farmer and Norma Farmer (hereinafter referred to as "Plaintiffs"), are citizens and residents of Kingsport, Sullivan County, Tennessee.
2. That Defendant, American Bankers Insurance Company of Florida (hereinafter referred to as "Defendant") is a Florida Profit Corporation, doing business in Kingsport, Sullivan County, Tennessee, with its principal office located in Miami, Florida and can be served through its registered agent, Chief Financial Officer, P. O. Box 6200, Tallahassee, Florida 32399.
3. That Plaintiffs own a home located at 1196 Ward Place, Kingsport, Sullivan County, Tennessee 37660 that is insured by Defendant for, among other things, a dwelling built in 1998 that is an 80' x 16' Redman home (Serial No. 14901681). Defendant had issued to Plaintiffs, through its agent, Green Tree Insurance Agency, Inc., a Policy of Insurance (Policy No. GT46305984) that was paid for and in effect during all times that are subject to this claim. That the Policy of Insurance

provided, among other things, coverage for the dwelling, adjacent structures, personal property, catastrophe, outstanding principal coverage, and endorsements to include coverage for earthquake, flood, hail, wind, and natural disasters.

4. That on or about June 27, 2011 Plaintiffs notified Defendant that the dwelling had suffered damages as a result of a storm that had caused the home to twist and shift off of the foundation blocks.

5. That as a result of the sudden and accidental storm damage, the home suffered openings in the roof and exterior that allowed the weather and elements to enter the home and cause significant further damage.

6. That Plaintiffs were unaware of the damage and the condition of the home until such time as they provided notice to the company on or about June 27, 2011.

7. That as a result of the sudden damage to the roof and exterior caused by the storm, the water and elements from that storm and others caused the interior wall coverings, particle boards, sheetrock, flooring and insulation to become damaged and unusable.

8. That upon proper notice pursuant to the terms of the Policy of Insurance, Defendant refused to repair or honor its obligations under the Contract indicating that the loss or damage was due to "wear and tear, freezing, neglect or mechanical or electrical breakdown or failure, or manufacturer defect". This determination is against the weight of the evidence and the insurer/Defendant has violated the terms of its own Policy of Insurance, has deceived the insured/Plaintiff as to the terms and conditions of the Policy and has acted unfairly to the detriment of the insured/Plaintiff.

9. That as a result of the damages and Defendant's refusal to provide coverage pursuant

to the Contract of insurance. Plaintiff's have been damaged.

10. That Plaintiff's have complied with the terms and conditions of the Policy with all regards including prompt and appropriate notice, and mitigation of damages.

11. That Defendant is in breach of the Contract of Insurance for failure to comply with terms and conditions of the Policy and has exhibited bad faith as defined by T.C.A. § 56-7-105 and is further in violation of the Tennessee Consumer Protection Act. T.C.A. § 47-18-101 et. seq., all of which are damages claimed as a result of Defendant's actions and/or failure to act.

WHEREFORE, PLAINTIFFS DEMAND THE FOLLOWING:

1. That proper process issue and be served upon Defendant and Defendant be required to appear and answer this Complaint within the time required by law.

2. That Plaintiff's be awarded a judgment against Defendant in the amount of One Hundred Thousand (\$100,000.00) Dollars representing the costs of repairs, which has been estimated at \$56,000.00, as well as all other compensation available pursuant to the terms and conditions of the Policy of Insurance .

3. That Plaintiffs be awarded damages for bad faith in accordance with T.C.A. § 56-7-105 and that Plaintiff's be awarded damages in accordance with the Tennessee Consumer Protection Act. T.C.A. § 47-18-101 et. seq., to include treble damages, attorney's fees, Court costs, and costs of collection.

4. That the costs of collection, attorney's fees, Court costs, and any other relief deemed appropriate by this Court be awarded to Plaintiff's.

5. A jury to try this cause of action.

Respectfully submitted,

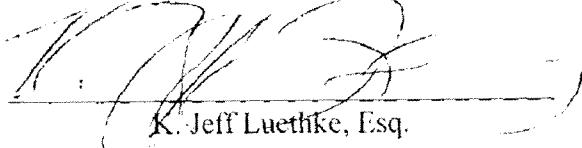
**KENNETH R. FARMER and
NORMA FARMER**

By: 

K. Jeff Luethke (BPR No. 015534)
Attorney for Plaintiffs
155 Shelby Street
Kingsport, TN 37660
(423) 246-5333 (t)
(423) 392-1700 (f)

COST BOND

I hereby acknowledge myself surely for the costs of this cause.


K. Jeff Luethke, Esq.

I HEREBY CERTIFY THIS
IS A TRUE AND CORRECT
COPY OF THE ORIGINAL
FILED IN THIS CAUSE
[Handwritten signature]
CLERK AND MASTER
2012 AUG -1 PM 2:18

K. JEFF LUETHKE

Attorney at Law

155 Shelby Street, Suite 2
Kingsport, Tennessee 37660

Telephone: (423) 246-5333
Fax: (423) 392-1700

August 1, 2012

Ms. Jane Wesselman, C.P.M.
Division of Legal Services
Service of Process Section
P. O. Box 6200
Tallahassee, FL 32314-6200

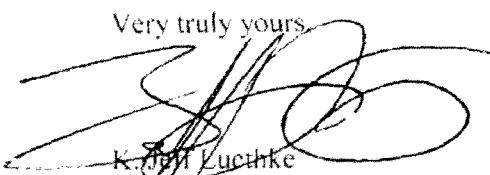
Re: *Case No.:* **K0038390**
County: **State of Tennessee**
Court: **Chancery**
DFS-SOP No.: **12-097337**
Plaintiff: **Kenneth R. Farmer and Norma Farmer**
Defendant: **American Bankers Insurance Company of Florida**

Dear Ms. Wesselman:

Per your correspondence to us, enclosed please find the following regarding the above-referenced matter:

1. Our Check (No. 2997) in the amount of \$15.00 for service of process;
2. Original Summons and one copy; and
3. One copy of the Complaint.

Should you have any questions, please feel free to give me a call. Thank you for your help in this matter.

Very truly yours,

K. Jeff Luethke
Attorney at Law

KJL/cc
Enclosures

Licensed in Tennessee and Virginia

K. JEFF LUETHKE

Attorney at Law

155 Shelby Street, Suite 2
Kingsport, Tennessee 37660

Telephone: (423) 246-5333
Fax: (423) 392-1700

August 16, 2012

Sarah Housewright, Clerk and Master
Sullivan County Chancery Court
225 W. Center Street
Kingsport, TN 37660-4298

Re: Kenneth R. Farmer and Norma Farmer vs. American Bankers Insurance Company of Florida; Kingsport Chancery Court; Civil Action No. K0038390(M)

Dear Ms. Housewright:

Enclosed please find a Notice of Service of Process wherein the Defendant was served with the Summons and Complaint through the Chief Financial Officer of the State of Florida on 8/6/12. Also enclosed is a copy of our check (No. 2997) in the amount of \$15.00 for service fee of same. If you would, please apply the applicable charge according to Statute to the Bill of Court Costs.

Thank you for your help in this matter.

Very truly yours,


K. Jeff Luethke
Attorney at Law

KJL/cc
Enclosures

Licensed in Tennessee and Virginia

THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING. THE REVERSE SIDE INCLUDES AN ARTIFICIAL WATERMARK.

K. Jeff Luethke

Attorney at Law

GENERAL ACCOUNT

155 Shelby Street

Kingsport, TN 37660

(423) 246-8333

PAY TO THE

ORDER OF CHIEF FINANCIAL OFFICER

Bank Of Tennessee

301 E Center St

Kingsport, TN 37660-4801

423-378-9500

2997

DATE 7/24/2012

\$ **15.00

DOLLARS

Fifteen and 00/100*****

CHIEF FINANCIAL OFFICER



MEMO

NORMA FARMER

1064202705K0108731#2997



CHIEF FINANCIAL OFFICER
JEFF ATWATER
STATE OF FLORIDA

RECEIVED
AUG 15 2012
BY:



KENNETH R. FARMER AND
NORMA FARMER,
PLAINTIFF(S),

CASE #: K0038390 (M)
COURT: CHANCERY
COUNTY: STATE OF TENNESSEE
DFS-SOP#: 12-104870

VS.

AMERICAN BANKERS INSURANCE
COMPANY OF FLORIDA

DEFENDANT(S).

SUMMONS, COMPLAINT

FILED 8-20-2012 4:36 p.m.
Sarah Housewright, Clerk
By: [Signature]

NOTICE OF SERVICE OF PROCESS

NOTICE IS HEREBY GIVEN of acceptance of Service of Process by the Chief Financial Officer of the State of Florida. Said process was received in my office by MAIL on the 6th day of August, 2012 and a copy was forwarded by Electronic Delivery on the 8th day of August, 2012 to the designated agent for the named entity as shown below.

AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA
LYNETTE COLEMAN (gbarber@cscinfo.com)
CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

* Our office will only serve the initial process (Summons and Complaint) or Subpoena and is not responsible for transmittal of any subsequent filings, pleadings or documents unless otherwise ordered by the Court pursuant to Florida Rules of Civil Procedure, Rule #1.080.

Jeff Atwater
Chief Financial Officer

cc to: Plaintiff's Representative for filing in appropriate court;

K. JEFF LUETHKE
155 SHELBY STREET
KINGSPORT TN 37660

SKT

**STATE OF TENNESSEE
SUMMONS**

KENNETH R. FARMER
and NORMA FARMER

CHANCERY COURT

AT

(KINGSPORT) (BODONIA) (BROOKTON)
TENNESSE

VS.

AMERICAN BANKERS INSURANCE
COMPANY OF FLORIDA

CIVIL ACTION NO. K0038390
(M)

Serve through Registered Agent:
Chief Financial Officer, P. O. Box 6200
TO THE ABOVE NAMED DEFENDANT(S): Tallahassee, FL 32399

You are hereby summoned and required to serve upon K. Jeff Luethke, Plaintiff's attorney, whose address is 155 Shelby Street, Kingsport, TN 37660, an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Filed, tested, and issued this 1st day of August, 2012 @ 2:12 a.m./p.m.

SARAH HOUSEWRIGHT

Clerk & Master

By Sarah K. Mann
Deputy Clerk & Master

Received this _____ day of _____,

Deputy Sheriff

RETURN

I, certify and return that I:

Served this summons together with the complaint as follows:

Via Division of Legal Services, Service of Process Section,
P.O. Box 12200, Tallahassee, FL 32314-0200

Failed to serve this summons within ninety (90) days after its issuance because: _____

Date 8/19/12

Cindy Russell, Paralegal
Deputy Sheriff

ACCEPTANCE OF SERVICE

I, _____, hereby accept service of process in this case as fully and in all respects, as though I had been personally served by a Deputy Sheriff of Sullivan County, and I acknowledge that I received a copy of the summons and complaint in this case.

This the _____ day of _____, _____.

Witness

Defendant

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

ep
cja

**STATE OF TENNESSEE
SUMMONS**

MARGARET E. HUMPHREY
and MICHAEL RAGGEM

VS.
AMERICAN BANKERS INSURANCE
COMPANY OF FLORIDA
Served through Registered Agents:
Chief Financial Officer, P. O. Box 6200
TO THE ABOVE NAMED DEFENDANT(S): Tallahassee, FL 32390

You are hereby summoned and required to serve upon P. Jeff Justhiser, Plaintiff's attorney, whose address is 155 Shelby Street, Kingsport, TN 37660 an answer to the complaint which is herewith served upon you within thirty (30) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Filed, tested, and issued this 1st day of August, 2012 @ 2:12 a.m./p.m.

SARAH HOUSEWRIGHT

Clerk & Master

By: Karen DeLoach
Deputy Clerk & Master

RECEIVED
IN PRO
CESS SECTION
OF PRO
CESS SECTION
2012 AUG - 6 AM 11:07

Received this _____ day of _____,

Deputy Sheriff

RETURN

I, certify and return that I:

Served this summons together with the complaint as follows:

Failed to serve this summons within ninety (90) days after its issuance because:

Date _____

Deputy Sheriff _____

ACCEPTANCE OF SERVICE

I, _____, hereby accept service of process in this case as fully and in all respects, as though I had been personally served by a Deputy Sheriff of Sullivan County, and I acknowledge that I received a copy of the summons and complaint in this case.

This the _____ day of _____,

Witness _____

Defendant _____

NOTICE

TO THE DEFENDANT(S):

Tennessee law provides a four thousand dollar (\$4,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel; family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.